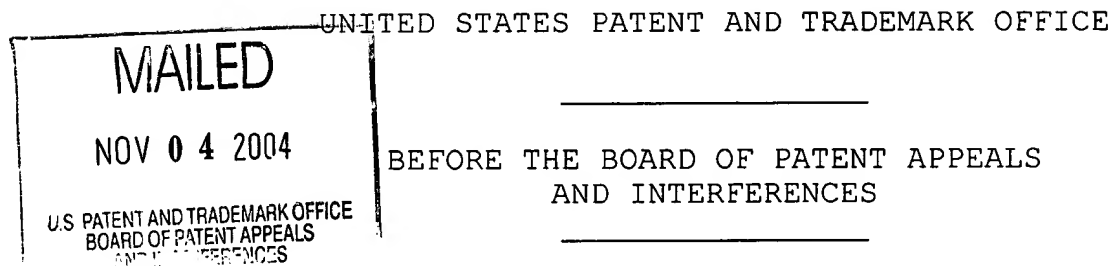


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 44



Ex parte FUSEN CHEN, LIANG-YUH CHEN
and MOSHE EIZENBERG

Appeal No. 2003-1264
Application No. 08/856,116

ON BRIEF

Before KIMLIN, WARREN AND KRATZ, Administrative Patent Judges.
KIMLIN, Administrative Patent Judge.

REQUEST FOR REHEARING

Appellants request rehearing of our decision of August 29, 2003, wherein we affirmed the examiner's rejection of appealed claims 15-18, 21 and 23 under 35 U.S.C. § 103 as being unpatentable over Taguchi in view of Zhao and Sliwa.

We have thoroughly reviewed appellants' arguments as set forth in the Request for Rehearing. However, for the reasons set forth in our decision and in the Examiner's Answer, we remain of

Appeal No. 2003-1264
Application No. 08/856,116

the opinion that the claimed subject matter would have been obvious to one of ordinary skill in the art within the meaning of § 103 in view of the applied prior art. Appellants have not set forth a convincing argument that our decision contained an error either in fact or in law.

Furthermore, the argument advanced in the first full paragraph at page 2 of the Request is untimely and, therefore, not proper for our consideration. It is fundamental that all arguments not presented by an appellant in the principal and reply briefs on appeal are considered abandoned, and no new argument may be presented in a Request for Rehearing.

Appellants' principal and reply briefs make no argument that:

Selectively depositing a metal layer on an underlayer exposed in a feature in *Taguchi* as described in *Zhao* would require eliminating the conformal barrier layer 23 of *Taguchi* so that the feature would have different materials on the sidewall and exposed underlayer of the feature that would provide a basis for selective deposition on the exposed underlayer of the feature.


(Page 2 of Request, first full paragraph). Our review of appellants' principal and reply briefs finds no mention of this line of argument.


Accordingly, appellants' request is granted to the extent we have reconsidered our decision, but is denied with respect to making any change therein.

Appeal No. 2003-1264
Application No. 08/856,116

No time period for taking any subsequent action in
connection with this appeal may be extended under 37 CFR
§ 1.136(a).

DENIED


EDWARD C. KIMLIN)
Administrative Patent Judge)


CHARLES F. WARREN)
Administrative Patent Judge)

BOARD OF PATENT
APPEALS AND
INTERFERENCES


PETER F. KRATZ)
Administrative Patent Judge)

ECK:clm

Appeal No. 2003-1264
Application No. 08/856,116

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